

BILLS PASSED

RELATED TO CHILD WELFARE

2007 ANNUAL GENERAL SESSION

Office of Legislative Research and General Counsel 6/11/07

CHILD WELFARE

H.B. 93 Capital Offenses Amendments (*Rep. P. Ray*)

This bill modifies the Criminal Code regarding the elements of aggravated murder as related to the homicide of a child.

This bill:

- ▶ provides that the commission or attempt to commit specified offenses, including sexual offenses, against a child as a part of the commission of the homicide constitutes aggravated murder, if committed with reckless indifference to human life;
- ▶ modifies an element of aggravated murder regarding acting for pecuniary gain; and
- ▶ modifies an element of murder to specify "knowing" as the level of intent when the defendant acts with depraved indifference.

No monies are appropriated in this bill.

H.B. 202 Medical Recommendations for Children (*Rep. M. Morley*)

This bill prohibits school personnel from making certain medical recommendations for a student, including the use of psychotropic medications, and prohibits removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

This bill:

- ▶ prohibits school personnel from making certain medical recommendations for a student, including the use of psychotropic medications; and
- ▶ prohibits the removal of a child from parental custody based on a parent's refusal to consent to the administration of psychotropic medications.

No monies are appropriated in this bill.

H.B. 228 Penalty for Homicide of a Child (*Rep. C. Wimmer*)

This bill amends the Criminal Code to provide that murder of a child younger than 14 years of age is a capital felony.

This bill:

- ▶ amends the definition of aggravated murder, which is a capital offense, to include the intentional or knowing murder of a child younger than 14 years of age.

No monies are appropriated in this bill.

H.B. 245 Child Welfare Amendments (*Rep. M. Newbold*)

This bill amends the Utah Human Services Code and the Judicial Code in order to comply with federal requirements, including those contained in The Adam Walsh Child Protection and Safety Act of 2006 and the Safe and Timely Interstate Placement of Foster Care Children Act of 2006, and to make corrections to certain child welfare provisions.

This bill:

- ▶ amends the background check procedures of the Office of Licensing, within the Department of Human Services, as they relate to background checks conducted for the purpose of licensing a prospective foster home or approving a prospective adoptive placement of a child in state custody;
- ▶ requires that before a prospective foster home is licensed, and before a child in state custody is placed with a prospective foster parent or a prospective adoptive parent, the Department of Human Services shall check the child abuse and neglect registry of each state where the prospective foster parent, prospective adoptive parent, or an adult residing in the home of the prospective foster parent or prospective adoptive parent, resided during the five years immediately preceding placement of the child;
- ▶ permits the information within the Management Information System, maintained by the Division of Child and Family Services, within the Department of Human Services, to be

disclosed for the purpose of:

- complying with an abuse and neglect registry check requested by another state; and
- complying with the federal requirements for maintaining an electronic national registry of substantiated cases of child abuse and neglect;
- ▶ provides for the recognition within Utah of home studies conducted outside of Utah;
- ▶ amends the background check procedures for direct service workers when a child in the legal custody of the Department of Human Services, or a division of the department, is placed with the direct service worker;
- ▶ requires a court to consider appropriate in-state and out-of-state placements for a child who is removed from the custody of the child's parents;
- ▶ describes the entitlement or right of a child and others to be given notice of, to be present at, and to be heard at, each hearing and proceeding in an abuse, neglect, or dependency case;
- ▶ amends background check requirements for preplacement adoptive evaluations; and
- ▶ makes technical changes.

No monies are appropriated in this bill.

H.B. 328 Child Protection and Parental Rights Amendments (*Rep. W. Harper*)

This bill amends provisions of the Utah Human Services Code and the Juvenile Court Act of 1996 relating to the placement of abused, neglected, and dependent children.

This bill:

- ▶ replaces the term "emergency kinship placement" with "emergency placement";
- ▶ provides that investigative interviews of a child in protective custody, if the child is at least nine years old, may be conducted without recording the interview, if the child refuses to have the interview recorded;
- ▶ provides that investigative interviews of a child in protective custody may be conducted without a support person present, if the child refuses the presence of a support person;
- ▶ modifies the requirement regarding notification of former foster parents when a child reenters custody of the Division of Child and Family Services;
- ▶ expands the options for emergency placement of a child to include placement with a friend of the child's parents if the friend is licensed as a foster parent or with another foster family;
- ▶ provides that the Division of Child and Family Services, within the Department of Human Services, has the discretion to determine whether the division will seek and contact references as part of the division's emergency placement background check;
- ▶ removes the requirement that the division convene a family unity meeting before a shelter hearing;
- ▶ establishes the order of priority among potential placements for a child;
- ▶ expands the options for placing a child in shelter care to include placement with a friend of the child's parent if the friend is licensed as a foster parent;
- ▶ requires, subject to certain exceptions, that a child be present at certain hearings in an abuse, neglect, or dependency case;
- ▶ requires, subject to certain exceptions, that the court allow a child to address the court or testify during certain court appearances relating to the abuse, neglect, or dependency of the child;
- ▶ requires the Department of Human Services to expedite the process for licensing a friend of a parent whose child is in the

custody of the Division of Child and Family Services as a foster parent, and requires the court to determine whether it is in the best interest of the child to be placed with the parent's friend if the friend becomes licensed as a foster parent; and

- makes technical changes.

No monies are appropriated in this bill.

H.B. 343 Foster Placement and Adoption Amendments (*Rep. L. Fowlke*)

This bill amends provisions of the Judicial Code relating to foster placements and adoption.

This bill:

- subject to certain exceptions, establishes a priority for placing a child with a man and a woman who are married to each other when the child is placed in a foster placement or for adoption;
- prohibits taking religion into account, or discriminating against a particular religion, when determining the placement of a child in foster care, unless religion is taken into account for the purpose of placing the child with a person or family of the same religion as the child; and
- makes technical changes.

No monies are appropriated in this bill.

H.J.R. 16 Joint Resolution Supporting Governor's Child and Family Cabinet Council (*Rep. P. Ray*)

This joint resolution of the Legislature supports the formation of the Utah Governor's Child and Family Cabinet Council.

S.B. 35 Uniform Child Abduction Prevention Act (*Sen. L. Hillyard*)

This bill enacts the Utah Uniform Child Abduction Prevention Act.

This bill:

- sets guidelines for judges to determine when a child is at risk for abduction;
- requires a party to file a petition with the court specifying risk factors that might lead to an abduction;
- addresses specific issues for international abductions; and
- allows a court to issue a warrant to take immediate physical custody of a child it determines is at risk for abduction.

No monies are appropriated in this bill.

S.B. 38 Juvenile Court Judge (*Sen. C. Walker*)

This bill adds one new judge to the third judicial district.

This bill:

- increases the number of juvenile court judges in the third judicial district to ten.

No monies are appropriated in this bill.